IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 1076-M of 2006

DATE OF DECISION : 09.02.2007

Charanjit Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Manoj Kumar, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Mr. K.S. Boparai, Advocate,
for the complainant.

* * *

Petitioner Charanjit Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 291 dated 25.6.2006 under Sections 302/307/440/34 IPC and Sections 25, 27/54/59 of the Arms Act, registered at Police Station Kotwali Patiala, District Patiala.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 20.9.2006, passed by Additional Sessions Judge, Patiala, whereby bail to the petitioner has been declined.

Counsel for the petitioner, while referring to the contents of the FIR, submits that the petitioner was allegedly armed with a lathi and no injury was caused by him to the deceased. Counsel submits that the complainant caused fire arm injury from .315 bore rifle to the petitioner and petitioner remained in hospital for more than 20 days. It is case of the petitioner that actually, deceased Kanwaljit Singh alias Billu, brother of the complainant, died due to fire arm injury caused by complainant party itself.

Counsel for the petitioner submits that the petitioner is in custody since 17.7.2006 and till date, no prosecution witness has been examined. Counsel for the respondent-State does not dispute the fact that in the FIR, no injury has been attributed to the petitioner to the deceased, as well as the fact that the petitioner himself has received a fire arm injury, which was caused by complainant Ranvir Singh. He has also not disputed the date of arrest of the petitioner and the fact that no PW has been examined so far.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

February 09, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**